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both be ready, as we have been in the past, to throw our fortunes into the scales of justice and let the wisdom of impartial minds judge between us."

Earl Grey, in recent speeches, has been striking the same note and has called attention to the fact that treaty bonds already are woven that compel Great Britain and the United States to have recourse to methods of arbitration ere they ever decide to fight with arms. Strange, those adumbators of war between England and America, subjects for psychotherapy or worse.

THE BOYCOTT of things German in the United States is beginning to break. Harvard University has opened without ceremony, but none the less effectively and significantly, the Germanic Museum, housed in the admirably appointed new home provided for it by the gifts of German-Americans. During the war it has stood unused and guarded. In both Chicago and Washington German is coming back into the school curricula. Having settled with German "kultur," the disposition now is to resume sensible respect for German culture as it was prior to Bismarck and as it is to be as a result of the chastening effect of defeat and social reconstruction. Back to normalcy, say we.

AMERICA AND THE LEAGUE OF NATIONS*

By GEORGE WHARTON PEPPER, Esq.,
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There is only one way to assure the world of peace: that is, by making it so dangerous to break the peace that no other nation will have the audacity to attempt it.

IN THESE words President Wilson expresses the ideal of which the League of Nations is the embodiment. The ideal is force so applied as to attain a righteous end.

All the machinery of the League was carefully planned to give effect to this ideal. If the machinery is to be used as an agency of coercion, the mechanism will be seen at its best. If it is diverted from its purpose and used as a medium of conciliation, it will be seen at its worst. The method to be pursued when conciliation is the end in view must differ as widely from the processes of force as friendly conference differs from hostile coercion.

If ever the international situation appealed for clear thinking and consistent devotion to fundamental principle, such an appeal is ringing in our ears today. National responsibility for a prompt and definite answer to this appeal is so great that overstatement is almost impossible.

This paper is an attempt to identify the principle which should control the action of nations in discharging their international responsibilities. The attempt

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can best be made by asking a single question, and by insisting that it be answered.

The Coercion of States

Is the preservation of world order by coercion a worthy ideal, and, if worthy, is it presently attainable?

An answer to this question is demanded in the interest of doing something definite for the world and doing it quickly. The question is intensely practical. An answer to it necessarily becomes the chart by which to steer. If the answer is affirmative, then all League amendments should be such as tend to insure and facilitate quick and effective executive action. If the answer is negative, the necessary conclusion will be that what the Covenant of the League needs is not amendment, but transformation.

As the question is a challenge to the idealism of coercion, it at once suggests a contrast with the idealism of conciliation. "Coercion or nothing" is not a correct statement of the problem of organizing the world for peace. It is not, and never has been, *this* League or nothing. It is this League or one that differs from it both in aim and method. Understanding of both alternatives is essential to a wise choice.

Coercion means insistence upon order at all costs. Conciliation concerns itself rather with the causes of disorder. Coercion pledges allies to unite in threatening direful consequences if peace is disturbed, and in executing the threat if it is disregarded. Conciliation demands organized opportunity for the processes of conference and peaceful arbitration, while leaving each nation absolutely free to determine its course if conference and arbitration fail.

The only justification of coercion is success. In national life, nothing is more destructive of character than an important law that is not adequately enforced. In international life, nothing more effectually impedes civilization than reliance upon a coercive force which proves inadequate when invoked. If force and civilization are thought of as interdependent, the collapse of one will inevitably involve the other.

Whether success is a sufficient justification for the use of force is a question upon which there will always be a difference of opinion. There are those who insist that coercion is always and under all conditions unworthy. There are others, a great majority, who hold that force is given us to be used, and that it cannot be better used than to insure the triumph of a righteous cause. But, whatever differences of opinion there are respecting the justification for the effective use of force, there can be no such divergence of view when either the threat of force is insincere or the force is not available. To attempt to keep world peace by insincere promises of force or by sincere promises of a force which cannot be mustered is merely to select sand as the foundation of an international structure.

The value of conference as an agency of conciliation may be expressed in the statement that, while it may perfectly succeed, it can never altogether fail. A favorite argument for resort to international coercion is the alleged failure of The Hague Conference. It must never be forgotten that The Hague Conference resulted from the efforts of a few far-seeing people to impose upon the world an institution of the need of which the

world was not aware. It was like an offer of salvation to people unconvinced of sin. Today every nation is oppressed by a sense of need. If international coercion is certain to fail, organized international conference will now have its maximum chance for complete success.

The Ideal of Conference

But, in fact, it is not true that The Hague Conference has failed. Apart from its definite accomplishment is the fact that it has kept alive the ideal of conference, to which the world may turn when the futility of force as a guarantor of world peace is fully realized.

Whatever may be one's estimate of the value of The Hague Conference, all should concede that a far different future can be predicted for a league of nations organized for conciliation and wholeheartedly committed to the method of conference, without appeal to force. It is such an organization that the moral influence of a peace-loving nation can be exerted with maximum effect. The atmosphere of such a league is congenial to the peaceful determination by judicial decision of all disputes suitable for reference to a court, and to the free discussion of all international differences not suitable for reference to a court, but bound to lead to war unless adjusted.

Such is the contrast between coercion and conciliation. All are agreed that conciliation, as an ideal to be striven for, is worthy. Respecting the worthiness of coercion, opinion is divided. But again there is unanimity upon the proposition that a *coercive alliance based upon unavailable force has in it nothing but the promise of disaster*. The question accordingly recurs, whether it is actually feasible so to organize international force as to make nations afraid to go to war?

If adequate international force is to be available, it must be either through the agency of a standing international army or police force at the disposal of the alliance or through the united response of member States to the appeal of a central council. *An alliance with an adequate force at its disposal is necessarily a super-State. An alliance which depends for its force upon the response of member States is in effect a super-State if they respond, and an impotent failure if they do not.*

No one who advocates a standing international army today will have a sympathetic hearing. If international force is to be available for coercive purposes, it must be through economic pressure and through quotas of money, men, and ships contributed in compliance with a solemn promise to supply them. The test of the availability of such a force would arise in case member States were in disagreement respecting the merits of the dispute in which they were summoned to intervene. If a promise to supply force were weighed against a conviction that the force is to be misapplied, it would make little difference which way the scale tipped. There is small choice between a broken covenant and an unjust war. If the people of a member State were themselves divided in opinion upon the merits of the dispute between two other States, the test would be even more severe. The United States of America is itself a league of many nations. Every European dispute presents issues which tend to array one racial group against another. Even

when the issue was as plain as in the case of Germany's aggression, it was a long while before American force could be made available. It will be a long while before such a one-sided question will again confront the world. Most international disputes disclose merit on both sides. To expect neutral States with homogeneous populations to be willing to coerce one side or the other is to expect much. To propose such a course to a nation in large part made up of the blood-brothers of both disputants is to propose the impossible. Whatever may be the European view upon this subject, the ideal of order through coercion is one likely to be viewed throughout the entire Western Hemisphere not only as unattainable, but as positively mischievous.

The simple fact is that the time has come for each nation definitely to declare its faith. Shall it stand for allied coercion as the guarantee of world peace? Shall it reject such a proposal and substitute nothing in its room? Or shall it come out boldly with a declaration that the hope of civilization rests in organized international conference and the moral force which it will engender?

The people of the United States have definitely repudiated the first of these three proposals. On the eve of the November election President Wilson delivered what was in effect a charge to the jury of the American people. His charge contained the sentence with which this paper begins. Elsewhere in his charge he used the following language:

No one who opposes the ratification of the Treaty of Versailles and the adoption of the Covenant of the League of Nations has proposed any other adequate means of bringing about settled peace. There is no other available or possible means, and this means is ready to hand.

Having explained to the jury that prompt and unconditional acceptance of the Covenant was the great obligation of the hour, he concluded as follows:

I suggest that the candidacy of every candidate, for whatever office, be tested by this question: Shall we or shall we not redeem the great moral obligation of the United States?

The jury, without leaving the box, promptly returned a decisive verdict adverse to every candidate who had committed himself to the views thus expressed by the President.

It may, therefore, be asserted with confidence that, so long as the League of Nations retains the form of an alliance to preserve order by threats of coercion, the United States of America will deem it unwise to become a member.

Our United States

The only issue which now awaits determination in the United States is the issue suggested by the last two of the three questions specified above. Two things may safely be affirmed: One is that the great majority of people in the United States are eager for the organization of a League of Nations which the United States can join. The other is that the United States will join the League if and when it is transformed into a league to promote peace through processes tending to conciliation.

The features which distinguish a coercive alliance

from an organization for conference and conciliation are five in number:

1. Limited as opposed to inclusive membership.
2. An Executive Council representing powerful States and armed with authority to pass judgment, as distinguished from a standing council of conciliation without power either to decide disputes or to bind member States by its action.
3. An assembly of nations, to act as a check upon the powers given to the executive cabinet.
4. A subordination of all judicial machinery to the power and will of the executive, as distinguished from the supremacy of the judiciary in all matters suitable for the cognizance of a court.
5. A pledge of force to resist aggression or to enforce the policies of the League, as distinguished from the absolute freedom of every member State to determine its own course if and when conference has failed.

1. Membership in an alliance for coercion is necessarily limited to those States which conceive of themselves as the civilized and peace-loving nations of the world. Other States can be admitted to the alliance only when their conduct is such as to be a guaranty of conformity to the views of the majority. Such an organization is essentially aristocratic. Its very presence in the world makes bad feeling. If it succeeds in keeping order it does so by inspiring fear, not by stimulating brotherhood. On the other hand, the charter members of an association for conference will be the very nations most likely to cause disorder. The purpose of such an organization is not the coercion of outsiders by insiders, or of some insiders by the rest, but the development within itself of a compelling public opinion.

2. An alliance for coercion functions chiefly through executive machinery. A central Council, representing the most powerful States, is necessary to its effectiveness. Whether the enforceable decisions of this body must be unanimous or may be merely the expression of majority opinion, is a matter of secondary importance. The point is that an inner executive group must exist with authority to express the mind of the alliance on every conceivable dispute likely to lead to rupture. The Council is in effect a general staff. The question whether a decision of the Council, when made, will in fact be enforced by the members is one that concerns the *effectiveness* of the combination, not its nature. A league of selected States that is planned to function through an Executive Council of strong States is essentially a coercive alliance. If the machinery for the enforcement of its policies is powerful and adequate, it is an effective alliance. If the machinery is weak and inadequate, it is an impotent alliance. In either event it is to be contrasted with an association represented only by a standing Council of Conciliation that is marked by three distinguishing characteristics. One is that the members of the Council do not sit as representatives of specified nations. A second is that under no circumstances do they undertake to determine that one disputant is right and the other wrong, but address themselves to an adjustment of the dispute on the theory that there is right on both sides of it. The third characteristic is that nations are not summoned to appear at the bar of the Council and plead their causes, but that representatives of the disputing nations sit in conference with the Council upon the same terms as the other members of the body.

3. In an alliance for coercion there must be at least the semblance of a popular assembly in order that there may be a check upon the executive cabinet. Since the primary purpose of the assembly is to decide the merits of international disputes irrespective of their character, the assembly cannot, in the nature of things, be a judicial body, but must rather adopt the legislative process of reaching decisions by vote. This means that majorities must bind minorities, for the only purpose of voting is to determine which of two wills is to prevail. This, in turn, necessitates the assignment of relative values to the votes cast, either giving equal effect to the vote of every State or conceding a greater influence to the votes of some States than to those of others. In an association for conference, on the other hand, it is not necessary to provide for any such popular assembly. Since the standing council of conciliation has no powers of decision, there is no occasion to create a check upon it. There is thus avoided a double difficulty. In the first place, the whole machinery of voting is dispensed with. In the second place, the danger is obviated of friction between the council and the assembly, and the consequent development of a distinct and possibly hostile consciousness on the part of each of the two groups within the League. If, in a league for conference, an assembly of members exists at all, its function is merely to choose those individuals who shall from time to time compose the standing council of conciliation.

4. In an alliance for coercion the creation of any international court that is contemplated will naturally be left to the executive council, and the jurisdiction of the court will be made dependent upon the consent of both parties. In such an organization executive action must always be paramount, and, unless the disputants otherwise agree, the council must be free to decide even justiciable controversies, as the expediency of the moment may require. In an association for conference, there is a natural and fundamental distinction between the treatment accorded to justiciable and non-justiciable controversies. In the case of the former, an international court will inevitably be created for their decision. In the case of the latter, the council of conciliation will act in an effort to bring the minds of the disputants together.

5. In an alliance for coercion there must be either a central force at the disposal of the council or a system of reciprocal guarantees that the territorial integrity and political independence of each member will be preserved by the others against external aggression. If a central force is lacking, and if this guaranty is weakened or withdrawn, the corner-stone of the whole structure is removed. On the other hand, in an association for conciliation there is absolutely no undertaking by the members as to the course which they will pursue if conference fails. If, after conference, the disputants still insist on fighting, each member of the League is absolutely free to stand aloof or to intervene, and, in case of intervention, to choose its side at discretion.

The covenant of the League of Nations is drawn with scrupulous care to conform the organization to each of these five characteristics of a coercive alliance. During

the long struggle between President Wilson and the Senate repeated attempts were made by the Republicans in that body to modify each of these distinctive features by amendment or by reservation. In every instance the President responded that the proposed change was a nullifying change, and therefore inadmissible. In this, from the point of view of insistence upon a coercive alliance, he was entirely right. From the point of view of an association for conference and conciliation, he was consistently and persistently wrong. That President Wilson should insist upon the coercive principle as the basis of a League of Nations was inevitable. His diplomacy has always been the diplomacy of force. He knows nothing of the processes by which minds are brought together. Fruiful conference is, to him, an unknown experience. According to his view, Article X of the Covenant is not a provision which is to be explained away and so interpreted that evasion would be a matter of course. On the contrary—

It is the specific pledge of the members of the League that they will unite to resist exactly the things which Germany attempted, no matter who attempts them in the future. It is as exact a definition as could be given in general terms of the outrage which Germany would have committed if it could. . . . Article X, therefore, is the specific redemp-tion of the pledge which these free governments of the world gave to their people when they entered the war. They promised their people not only that Germany would be prevented from carrying out her plot, but that the world would be safeguarded in the future from similar designs.

It was inevitable that the people of the United States should refuse assent to any such commitment. A solemn undertaking to put forth such force as was invoked against Germany, without knowing the issue to be determined or the nation against which the force might be directed, was one which they could not too strongly condemn.

Before the vote was taken League advocates tried hard to persuade the voters that the language of the Covenant was not to be taken too seriously. Two arguments were constantly made. One was that, in case of emergency, the right of Congress to refuse to declare war might always be used as a means of escape from a covenant to declare it. The other was that the United States might safely join the League and then transform it by pressure for amendment. Both arguments proved unavailing. One was repudiated as an affront to national morality. The other was rejected as an insult to popular intelligence. It is safe to predict that neither argument will be pressed again. The United States will make no covenant except with the intention of literal performance. The nation will enter no league until changes deemed necessary have first been made in its structure.

The nations now members of the League and capable of influencing League policy will determine in due time whether they themselves are content to continue the League as a coercive alliance. If they are not, the way will immediately be opened for a reconstruction in which the United States will gladly join. If, however, the coercive principle is still approved by the League members, they must consider whether or not a surrender of the principle is too high a price to pay for the co-operation of the United States. If the price be deemed

fair, the problem of transformation becomes merely a question of method. It is not profitable to discuss, in the first instance, whether the method should be that of reservation, of amendment, or of redraft. The important points are that inclusive membership must be substituted for restricted membership, that a standing Council of Conciliation must take the place of the executive cabinet, that the process of voting must be abandoned in favor of the conference method, that the subordination of the judiciary to the executive must give place to a court which shall be supreme in its sphere, and that, instead of covenants to unite in resisting aggression, there must be absolute freedom on the part of each State to act as it pleases whenever conference fails to avert war.

It is not a little significant to note that the features of the League most valued by many of its ablest advocates are features which not only would be unaffected by this transformation, but are themselves much more in harmony with the ideal of conciliation than with the principle of coercion. Reduction of armaments is a case in point. The policy of open diplomacy is another. A standing Council of Conciliation equipped to turn the pitiless ray of publicity upon all international transactions would quickly prove its value to the world. The mediatorial function can hopefully be undertaken by a council without power to bind, while upon a strong executive organization such a function is merely an excrescence. The atmosphere of a league for international conciliation is congenial to all the economic and social reforms referred to in the Covenant. Indeed, there are multitudes of people who have merely tolerated and excused the coercive features of the Covenant in order to secure the many real advantages for which it makes provision. To eliminate all hints at coercion and commitment would gratify the vast majority of League supporters and satisfy its most determined opponents.

It is not unusual to refer contemptuously to a League for conference and conciliation as a mere debating society. Such a taunt falls usually from the lips of those who are incapable of appreciating the value of conference as an agency for bringing minds into accord. With much greater justice might contemptuous reference be made to the present strong Executive Council of astute politicians representing the fighting nations of the world and masquerading as the promoters of peace. Neither taunt is just, and neither should be made. The plain fact is that world-wide organized coercion must fail, and that, for lovers of peace and order, the true choice is between international chaos and a league dedicated to the ideal of conciliation and to the method of conference.

It is in such a league that the United States may be of maximum use to other nations. Circumstances are compelling the people of the United States to work out within their borders the racial problems which underlie the world's unrest. Great racial groups that find it possible to live together in unity under one flag may have something of value to contribute to the settlement of overseas disputes between their brothers in blood. The same fact that makes an alliance for coercion impossible for America discloses in a league for conference America's greatest opportunity.